

John M. Riley

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K.R.E.F.

October 13, 1999

Kentucky Registry of Election Finance  
140 Walnut Street  
Frankfort, KY 40601

Attention: General Counsel

Subject: Request for an Advisory Opinion

Dear General Counsel,

My name is John M. Riley and I am a private and concerned citizen of the Commonwealth of Kentucky. I have been active in the campaign for election of Gatewood Galbraith to the office of Governor as a volunteer and I have also contributed to his campaign fund the amount of \$300.00. I have met with the candidate in both public and private and we have discussed his ideas for the future of Kentucky. I agree with many of his political positions.

KRS121A.030: "No slate of candidates for Governor and Lieutenant Governor shall knowingly accept any other campaign contribution during the twenty-eight (28) days immediately preceding a primary or regular election..."

KRS121.035: "Corporate contributions to aid candidates for public office prohibited"

KRS121.990(Penalties) provides for anyone violating the current election laws to be "guilty of a Class D felony".

Section 1 of the Kentucky Constitution states: "All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:..... Forth: The right of freely communicating their thoughts and opinions."

Section 8 of the Kentucky Constitution states: "Printing presses shall be free to every person who undertakes to examine the proceeding of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty."

Section 15 of the Kentucky Constitution states: "No power to suspend laws shall be exercised unless by the General Assembly or its authority."

Section 26 of the Kentucky Constitution states: "To guard against transgression of the high powers which we have delegated, We Declare that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or contrary to this Constitution, shall be Void".

In light of the above cites, I would like an immediate "Advisory Opinion" regarding the following:

- 1) Are corporate or private contributions (Monetary or Inkind) to the campaign of Gatewood Galbraith or any other candidate allowed after October 4th, 1999?
- 2) Are the Courier Journal and the Lexington Herald Leader registered and operating as corporations with the Secretary of States' Office?
- 3) Are they exempt from the current election laws and by what authority if so?

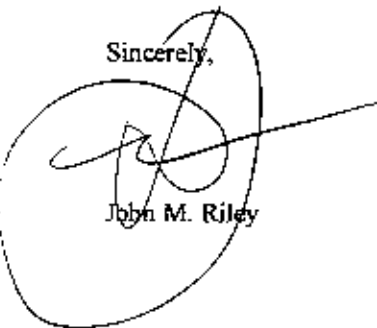
In anticipation of endorsements and other articles or political cartoons being published to affect the outcome of the upcoming 1999 general election, it is my intent to print and distribute material to express my opinions and endorsements regarding the upcoming election. I intend to expressly advocate the political positions and election of Gatewood Galbraith. I estimate that the cost of such material and its distribution to well exceed \$1,000.00. Therefore, my request is for an "Advisory Opinion" addressing the following:

- 4) Is the cost of my printing and distributing such materials a violation of the current election law? If so, under what authority, as it relates to Section 1 and Section 8 of the Kentucky Constitution, does this constitute a violation the law?
- 5) If printing and distributing such materials is a violation, what are the penalties to me or to the Gatewood Galbraith campaign?
- 6) Are the current campaign laws, as they are related to Sections 1, 8, 15, and 26 of the Kentucky Constitution, to be considered void? If not, under what authority are these laws valid?

Please address the above 6 questions in the form of an "Advisory Opinion" immediately, as time is of the essence, due to the election and the potential impact on the outcome. I realize that time is short. However, I intend to fully exercise my Constitutional rights as they relate to this election yet I do not intend to violate any valid laws. I look forward to your immediate reply.

If you need any additional information you may contact me at 502-344-2285.

Sincerely,



John M. Riley

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I Connie S. Cole do hereby acknowledge receipt of the "Request for Advisory Opinion" from

John M. Riley, dated October 13, 1999. The request was received at 7:45 AM 10/14  
day of October, 1999.

Signed by: Connie S. Cole I hold the official title of K.R.E.S. Principal Dist. II

Printed Name: CONNIE S. COLE

Date: 10/14/99